

Appl. No. 09/707,167

Response dated October 19, 2004

Reply to Office Action of July 20, 2004

REMARKS/ARGUMENTS

By the present amendment, Claims 18, and 22 have been amended and Claim 25 has been deleted rendering Claims 18, 20, 22-24 and 26-35 pending in the application. The amendments to the claims have been made without prejudice and without acquiescing to any of the Examiner's objections. The amendment does not contain any new matter its entry is respectfully requested.

The Office Action dated July 20, 2004 has been carefully considered. It is believed that the claim amendment and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

35 U.S.C. § 112

The Examiner has objected to Claims 18, 20 and 22-28 as being indefinite for failing to particularly point out and distinctly claims the subject matter which the applicant regards as the invention. In response to the Examiner's objections, Claims 18 and 22 have been amended without prejudice to specify that the "contacting" involves disrupting the cell's integrity.

The Examiner has objected to Claim 26 and 29 as being unclear in "the target molecule" because the claim does not make it clear as to whether or not said target molecule refers to a recombinant polypeptide to be isolated or an oil-body protein. We respectively disagree for the following reasons.

Both claims 26 and 29 have been previously amended to include the phrase "wherein the protein ligand molecule and the recombinant polypeptide are not proteins that are normally associated with oil bodies." We respectively submit that an oil body protein is a protein that is normally associated with oil bodies so the target molecule can not be an oil body protein.

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In view of the forgoing, we respectfully request that the objections to the claims under 35 U.S.C. § 112 be withdrawn.

Provisional Rejection – Obviousness Type Double Patenting

The Examiner has objected to Claims 18, 20, 29-30 and 34-35 of this application as conflicting with claims 15, 9-10 and 15-16 of Application No. 10/260,562.

In response, Applicant submits a Terminal Disclaimer herewith. Please charge our Deposit Account No. 02-2095 the prescribed fee of \$55 for filing the Terminal Disclaimer. The Commissioner is hereby authorized to charge any deficiency in fees (including any claim fees) or credit and overpayment to our Deposit Account No. 02-2095.

In view of the forgoing comments and amendments, we respectfully submit that the application is in order for allowance and early indication of that effect is respectfully requested. Should the Examiner deem it beneficial to discuss the application in greater detail, he is kindly requested to contact the undersigned by telephone at (416) 957-1682 at his convenience.

The undersigned is an agent of record in the application.

Respectfully submitted,

**Maurice Moloney, Joseph Boothe
and Gijs van Rooijen**



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